

Kyle W. Parker, ABA No. 9212124
Sarah C. Bordelon, NV Bar 14683 (*pro hac vice*)
HOLLAND & HART LLP
1029 W. 3rd Avenue, Suite 550
Anchorage, Alaska 99501
Telephone: (907) 865-2600
Facsimile: (907) 865-2680
kwparker@hollandhart.com
scbordelon@hollandhart.com

*Attorneys for Alaska Industrial Development
and Export Authority*

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

ALATNA VILLAGE COUNCIL, *et al.*,

Plaintiffs,

v.

CHAD PADGETT, in his official
capacity as Alaska State Director, U.S.
Department of the Interior, *et al.*,

Defendants,

and

AMBLER METALS, LLC, *et al.*,

Intervenor-Defendants.

Case No. 3:20-cv-00253-SLG

**INTERVENOR-
DEFENDANTS' JOINT
MOTION REGARDING THE
BRIEFING SCHEDULE AND
SUFFICIENCY OF THE
ADMINISTRATIVE
RECORD AND
REQUESTING STATUS
CONFERENCE**

After conferring with Plaintiffs and Defendants, Intervenor-Defendants in *Northern Alaska Environmental Center v. Haaland*, Case No. 3:20-cv-00187-SLG, and *Alatna*

Joint Motion Regarding the Briefing Schedule

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Village Council v. Padgett, Case No. 3:20-cv-00253-SLG, jointly request that this Court enter an order adopting the proposed case management schedule that would allow for the Court to resolve the merits of these separate cases on the same schedule. Intervenor-Defendants understand that Plaintiffs and Defendants will file a different proposed schedule. Intervenor-Defendants request that the Court set a status conference to resolve the differences between the schedule proposed here and that proposed by the Plaintiffs and Defendants.

Plaintiffs, Defendants, and Intervenor-Defendants have also conferred regarding the sufficiency of the administrative record and agree that the administrative record is complete¹ at this time.

Both cases challenge Federal Defendants' decisions related to the approval of a road to the Ambler Mining District under various laws. Although the cases involve related facts and claims under some of the same statutes, Plaintiffs contend that the specific alleged violations in each case are distinct. The case management schedule proposed here provides

¹ Specific to *Alatna Village Council v. Padgett*, Case No. 3:20-cv-00253-SLG, Intervenor note that their agreement concerning the completion of the record is given in the interest of efficiency and judicial economy and does not dispel some lingering concerns over the previous discussions of confidential material in the record. Ambler Metals, NANA and the Alaska Industrial Development and Export Authority ("AIDEA") reserve the right to file any motions necessary to at least review information and documents that are potentially relevant to the defense of Plaintiffs' claims. Because of Intervenor's reasonable belief that the parties were negotiating a protective order that would allow all of the parties' counsel to review these documents, Intervenor should not be faulted for having refrained from seeking relief at an earlier juncture.

for separate briefing at Plaintiffs' request; the parties would submit their briefs on the same day in each case to promote efficient motions practice.

Accordingly, the Intervenor-Defendants in *Northern Alaska Environmental Center* and *Alatna Village Council* propose the following briefing schedule for both cases:

1. Plaintiffs will submit their separate opening briefs on or before September 29, 2021;
2. Defendants will submit their separate briefs in opposition in each case on or before November 12, 2021;
3. Intervenor-Defendants will each submit their combined brief in opposition on or before December 3, 2021;²
4. Plaintiffs will submit their reply briefs on or before December 22, 2021.
5. The parties will submit their appendix of the record for each case on or before January 19, 2022.

In addition, because the Plaintiffs together assert twenty-seven distinct claims, and will each be filing a reply brief, Intervenor-Defendants reserve their right under Local Rule

² The deadline proposed for Intervenor-Defendants' briefs in opposition is necessary to provide adequate time, in light of the Thanksgiving holiday, for the Intervenor-Defendants to review substantial opening briefs, two substantial Federal Defendant briefs in opposition, and coordinate amongst themselves to avoid unnecessary duplication between themselves and the federal government to "maintain consistency in the management of this case ..., prevent cumulative arguments, and enhance the efficient conduct of this case, ..." See *NAEC*, ECF No. 42; *Alatna*, ECF No. 34. To further the goal of reducing duplication, Intervenor-Defendants also propose that each Intervenor-Defendant should file one consolidated brief responding to both of the Plaintiffs' opening briefs.

16.3(c)(4) to seek leave to file a sur-reply in the event that Plaintiffs raise new arguments or assert new information in their reply briefs.

Respectfully submitted, this 18th day of August, 2021.

/s/ Kyle W. Parker
Kyle W. Parker, ABA No. 9212124
Sarah C. Bordelon, NV Bar 14683 (*pro hac*
vice)
HOLLAND & HART LLP
1029 W. 3rd Avenue, Suite 550
Anchorage, Alaska 99501
Telephone: (907) 865-2600
Facsimile: (907) 865-2680
kwparker@hollandhart.com
scbordelon@hollandhart.com

*Attorneys for Alaska Industrial Development
and Export Authority*

TREG TAYLOR
ATTORNEY GENERAL

/s/ Brian E. Gregg (with consent)
Brian E. Gregg (Alaska Bar No. 2107080)
Erik A. Fossum (Alaska Bar No. 1711057)
Assistant Attorney Generals
Department of Law
1031 West Fourth Avenue, Ste. 200
Anchorage, AK 99501
Phone: (907) 269-6617
Facsimile: (907) 276-3697
brian.gregg@alaska.gov
erik.fossum@alaska.gov

Attorneys for State of Alaska

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/s/ James E. Torgerson

James E. Torgerson (Alaska Bar No. 8509120)

Beth S. Ginsberg (*pro hac vice*)

James C. Feldman (Alaska Bar No. 1702003)

Conner R. Smith (Alaska Bar No. 1905046)

STOEL RIVES LLP

510 L Street, Suite 500

Anchorage, AK 99501

Phone: (907) 277-1900

Facsimile: (907) 277-1920

jim.torgerson@stoel.com

Attorneys for Intervenor-Defendant

NANA Regional Corporation, Inc.

/s/ Stacey Bosshardt

Stacey Bosshardt (DC Bar No. 458645)

SBosshardt@perkinscoie.com

PERKINS COIE LLP

700 Thirteenth Street, N.W., Suite 800

Washington, D.C. 20005-3960

Telephone: 202.654.6200

Facsimile: 202.654.6211

Eric B. Fjelstad

EFjelstad@perkinscoie.com

James N. Leik

JLeik@perkinscoie.com

1029 West Third Avenue, Suite 300

Anchorage, AK 99501-1981

Telephone: 907.263.6973

Facsimile: 907.263.6473

Attorneys for Intervenor-Defendant

Ambler Metals LLC

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Certificate of Service

I hereby certify on August 18, 2021, I caused to be electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification and electronic service of the same to all counsel of record.

HOLLAND & HART LLP

/s/ Kyle W. Parker

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